THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5655 of 2007

Date: 22.03.2007

Between:

Karri Pushpa and others

....Petitioners

and

State of A.P. represented by its Secretary,
Department of Revenue, and another

....Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.5655 of 2007

O R D E R:

The petitioners state that they purchased lands in Survey Nos.27/6D2 admeasuring Ac.3.02 cents, 27/6D2 admeasuring 2.59 cents, 27/2 Part in an extent of Ac.3.52 cents, 27/6F in an extent of 0.84 cents, 27/6E in an extent of Ac.3.00 cents and 27/6F in an extent of Ac.1.00 respectively, situated at Cheemalapalli village, Pendurthi Mandal, Visakhapatnam District. According to them, they intended to sell the said properties and entered into an agreement of sale-cum-GPA with the intending purchasers, and approached the 2nd respondent for registration of the same. The grievance of the petitioners is that the 2nd respondent is not accepting the documents for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the lands in the said survey numbers. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue

notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the 2nd respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the 2nd respondent to receive and process the documents presented by the petitioner and take necessary steps in accordance with the provisions of the Stamp Act and the Registration Act, within one week from the date of receipt of a copy of this order. There shall be no order as to costs.

_____

L.NARASIMHA REDDY, J

22nd March, 2007.
Note: CC in three days.
Bo cvm

---

[1] AIR 2005 SC 3401 = (2005) 12 SCC 77